

November 13, 2018

Hon. Joan M. Azrack  
District Court Judge  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

Re: Docket# 18-cv-03840-JMA-AYS, Levin v. JP Morgan Chase, et. al.

Dear Judge Azrack,

As the Court is aware, my name is Isaac Levin. Joining me is my wife Ofra Levin, plaintiffs in the above action.

On October 30, 2018 Plaintiffs sent a letter to this Honorable Court with a few documents that were filed previously in the prior case. [27] This invoked counsel for the Defendants labeling it as a sur-reply and therefore they also sur replied. [28]

Plaintiffs understand that a sur-reply “is an additional **reply** (or new documents) to a motion filed after the motion has already been fully briefed.” According to counsel the letter also contained numerous inaccuracies with regards to law and fact.

The letter did not contain any new arguments or any supplementary arguments that were not argued in support of motion. The documents provided were already seen by this Honorable Court in the previous action. (17-cv-04893)

Doc #28, a letter dated May 7, 2018 sent to this Court informing the Court that Plaintiffs filed the new action on April 9, 2018.

Doc#29, a letter from defendants’ counsel dated May 8, 2018 responding to Plaintiffs letter stating that they intend to remove the action.

Doc#30, a letter from defendants’ counsel dated May 18, 2018 requesting the Court not to dismiss the action until such time that they remove the action to Federal Court.

In all, the Court already saw all these documents and therefore they are not a surprise to either the Court or to the defendants and can’t be classified as sur replies.

The question is what is counsel afraid of? What concern does he have from this Honorable Court seeing documents it already saw and previously submitted by them?

What they are afraid of is that this Court will see that at all relevant times they knew of the new action and did not try to remove it until July 2, 2018.

Respectfully submitted,

/s/ Isaac Levin

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